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ABSTRACT

Prepared under the direction of the Subcommittee on Indian Education by the Legislative Reference Service of the Library of Congress, this compilation constitutes an historical summary of the major enactments dealing with American Indian education. In general, this document includes: the Elementary Secondary Education Act; the federally impacted areas program; the national defense student loan program; the Headstart program; legislation dealing with the authority of the Bureau of Indian Affairs in the field of Indian education. Specifically, this document covers the following: (1) appropriations for sectarian schools (1897, 1917, and 1969); (2) limitation of support for children of less than one-fourth Indian blood (1918); (3) basis for Federal Indian education (1921); (4) citizenship (1924); (5) contracts with public schools: the Johnson O'Malley Act (1934, 1936, and 1960); (6) Navajo-Hopi rehabilitation program (1950); (7) federally impacted areas (1950, 1953, 1968, 1958); (8) transfer of Federal property (1953 and 1962); (9) vocational education (1956); (10) Elementary and Secondary Education Act of 1965; (11) student loan cancellation (1958); (12) teacher corps (1967); (13) Headstart (1964); (14) VISTA (Volunteers in Service to America, 1964). (JC)

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91st Congress
1st Session

COMMITTEE PRINT

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THE EDUCATION OF AMERICAN INDIANS

A COMPILATION OF STATUTES

PREPARED FOR THE

SUBCOMMITTEE ON INDIAN EDUCATION

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

BEST COPY AVAILABLE

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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FOREWORD

The Subcommittee on Indian Education has been charged with the responsibility of investigating not only the current status of the programs for American Indian education, but also their historical development. This investigation could not be complete without a close consideration of the statutory base for the policies which have operated over the last century.

This compilation will, I hope, be of use to the Congress in its exercise of oversight functions in regard to this legislation. I trust it will also be useful to the Federal agencies which have the education of Indian children as their responsibilities, and to the general public interested in the American Indian and in seeking solutions to his problems. Since this committee print contains the major enactments in the field of Indian education, it will serve as a useful reference tool to anyone working in the field of Indian affairs.

RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare.

LETTER OF TRANSMITTAL

Hon. RALPH YARBOROUGH,
Chairman, Committee on Labor and Public Welfare

DEAR MR. CHAIRMAN: This committee print of a compilation of statutes relating to Indian education was prepared under the direction of the subcommittee by the Legislative Reference Service of the Library of Congress. It is essentially a summary of the major enactments which deal with Indian education, and the relevant amendments to them. A detailed listing of all the enactments would be far too lengthy to be useful, and would contain a number of appropriations acts which did not measurably alter the Government's policies in the field of Indian education.

This compilation will serve as an invaluable summary of the legislation which deals with Indian education. It includes the major pieces of education legislation which have specific reference to Indians—the Elementary and Secondary Education Act, the federally impacted areas program, the national defense student loan program, the Headstart program and the VISTA program. It further includes the legislation which principally deals with the authority of the Bureau of Indian Affairs in the field of Indian education and its authority to make contracts with public schools and other agencies for the education of Indian children.

I wish to express the appreciation of the subcommittee to Mrs. Mary Olguin of the Library of Congress, Legislative Reference Service, Education and Public Welfare Division, for her role in the assembly of the basic statutes contained in this compilation, and the analysis of them.

EDWARD M. KENNEDY,
Chairman, Special Subcommittee on Indian Education.

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Appropriations for Sectarian Schools

Act of June 7, 1897—Appropriations for the Indian Service

This act contains provisions for appropriations for the operations of the Bureau of Indian Affairs including support of schools. Its significance is drawn from the policy statement contained therein that no appropriations would be made in the future for the education of Indians at sectarian schools (with certain exceptions).

[A similar measure was passed (Public Law 64–369) on March 2, 1917 which contained a policy statement that no further appropriations would be made to sectarian schools. Public Law 64–369 was amended on March 30, 1968 by Public Law 90–280 to allow Federal support for the education of Indian students in sectarian institutions of higher education.]

The text of the pertinent segments of the two original laws and the amendment are as follows:

30 Stat. 79 (Act of June 7, 1897)

And is is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever for education in any sectarian school: *Provided*, That the Secretary of the Interior may make contracts with contract schools apportioning as near as may be the amount so contracted for among schools of various denominations for the education of Indian pupils during the fiscal year eighteen hundred and ninety-eight, but shall only make such contracts at places where non-sectarian schools can not be provided for such Indian children and to an amount not exceeding forty per centum of the amount so used for the fiscal year eighteen hundred and ninety-five: *Provided further*, That the foregoing shall not apply to public schools of any State, Territory, county, or city, or to schools herein or hereafter specifically provided for.

P.L. 64–369 (Act of March 2, 1917)

SEC. 21. * * *

And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school.

P.L. 90–280 (Act of March 30, 1968)

Relating to Federal support of education of Indian students in institutions of higher education.

Be is enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following provision of section 21, Act of March 2, 1917 (39 Stat. 969, 988; 25 U.S.C. 278), is repealed: "And it is hereby declared to be the settled policy of the Government to hereafter make no appropriation whatever out of the Treasury of the United States for education of Indian children in any sectarian school."

SEC. 2. Funds hereafter appropriated to the Secretary of the Interior for the education of Indian children shall not be used for the education of such children in elementary and secondary education programs in sectarian schools. This prohibition shall not apply to the education of Indians in accredited institutions of higher education and in other accredited schools offering vocational and technical training, but no scholarship aid provided for an Indian student shall require him to attend an institution or school that is not of his own free choice, and such aid shall be, to the extent consistent with sound administration, extended to the student individually rather than to the institution or school.

Approved March 30, 1968.

(1)

Limitation of Support for Children of Less Than One-Fourth Indian Blood

Public Law 65–159—Act of May 25, 1918—Appropriations for the Indian Service

This act contains appropriations for the operation of the Bureau of Indian Affairs including support of Indian schools. It has importance for the development in Indian education because it provides that no funds may be used for support of the education of children who are less than one-fourth Indian blood.

The following is the pertinent segment of the act:

* * * *Provided further*, That hereafter no appropriation, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided * * *.

(2)

Basis for Federal Support for Indian Education

P.L. 67–86—The Snyder Act of 1921—November 2, 1921

This act authorizes the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior to direct, supervise and expand such funds as appropriated by Congress for the benefit, care and assistance of Indians in the United States for a broad range of purposes including land management, welfare and education.

[This Act provides the statutory base for a majority of the programs carried out currently by the Bureau of Indian Affairs, Branch of Education.]

The original text of the statute is as follows:

Chapter 115.—An Act Authorizing appropriations and expenditures for the administration on Indian affairs and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Bureau of Indian Affairs, under the supervision of the Secretary of the Interior, shall direct, supervise, and expend such moneys as Congress may from time to time appropriate, for the benefit, care, and assistance of the Indians throughout the United States for the following purposes:

General support and civilization, including education.

For relief of distress and conservation of health.

For industrial assistance and advancement and general administration of Indian property.

For extension, improvement, operation, and maintenance of existing Indian irrigation systems and for development of water supplies.

For the enlargement, extension, improvement, and repair of the buildings and grounds of existing plants and projects.

For the employment of inspectors, supervisors, superintendents, clerks, field matrons, farmers, physicians, Indian police, Indian judges, and other employees.

For the suppression of traffic in intoxicating liquor and deleterious drugs.

For the purchase of horse-drawn and motor-propelled passenger-carrying vehicles for official use.

And for general and incendental expenses in connection with the administration of Indian affairs.

Approved, November 2, 1921.

Citizenship

P.L. 68–233—Citizenship Act—June 2, 1924

This act authorized the Secretary of the Interior to issue certificates of citizenship to Indians thereby making Indians citizens of the United States and the States in which they reside.

[The effects of this act with respect to Indian education involved the responsibility of States for education of Indians. As citizens, Indians are entitled to receive a public eduction as are other residents of a State. Problems were involved, however, due to the tax-exempt status of Indian land and the tax resources available to a State.]

The following is the text of the Citizenship Act:

An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided,* That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian in tribal or other property.

Contracts With Public Schools

Public Law 73–167—Johnson-O'Malley Act—April 16, 1934

This act authorizes the Secretary of the Interior to enter into contracts with States or territories for the education, medical atention, and social welfare of Indians. Contracts may be made with any State or territory or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution. With the enactment of the 1958 amendments to Public Law 81–874 allowing payments under the Johnson-O'Malley program and the impacted areas program for basic educational costs, funds under the Johnson-O'Malley program became "supplemental." This essentially means that funds are given to local educational agencies when the Bureau of Indian Affairs considers the needs of Indian children as not being met under other Federal programs.

[This act provides the basis for payments to public schools for the education of Indian children. Payments are made for educational services and special services. The act was amended in 1936 by Public Law 74–634 which specified colleges, universities, and educational agencies, et cetera, as eligible parties for the contracts. The requirement for an annual report to Congress was repealed by Public Law 86–533 on June 29, 1960.]

The following are the texts of the original act and the subsequent amendments:

P.L. 73–167 (Act of April 16, 1934)

Authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled That the Secretary of the Interior is hereby authorized, in his discretion, to enter into a contract or contracts with any State or Territory having legal authority so to do, for the education, medical attention agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the qualified agencies of such State or Territory, and to expend under such contract or contracts moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State.

SEC. 2. That the Secretary of the Interior, in making any contract herein authorized with any State or Territory, may permit existing school buildings, hospitals, and other facilities, and—all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of this Act into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories with which said contract or contracts, as herein provided, are executed.

SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder.

SEC. 5. That the provisions of this Act shall not apply to the State of Oklahoma.

P.L. 74-638 (Act of June 4, 1936)

To amend an Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes"

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of April 16, 1934 (48 Stat. 596), entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", be, and the same hereby is amended to read as follows:

"That the Secretary of the Interior be, and hereby is, authorized, in his discretion, to enter into a contract or contracts with any State or Territory, or political subdivision thereof, or with any State university, college, or school, or with any appropriate State or private corporation, agency, or institution, for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory, through the agencies of the State or Territory or of the corporations and organizations hereinbefore named and to expend under such contract or contracts, moneys appropriated by Congress for the education, medical attention, agricultural assistance, and social welfare, including relief of distress, of Indians in such State or Territory.

"SEC. 2. That the Secretary of the Interior, in making any contract herein authorized, may permit such contracting party to utilize, for the purposes of this Act, existing school buildings, hospitals, and other facilities, and all equipment therein or appertaining thereto, including livestock and other personal property owned by the Government, under such terms and conditions as may be agreed upon for their use and maintenance.

"SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations, including minimum standards of service, as may be necessary and proper for the purpose of carrying the provisions of this Act into effect: *Provided*, That such minimum standards of service are not less than the highest maintained by the States or Territories within which said contract or contracts, as herein provided, are to be effective.

"SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder."

P.L. 86-533 (Act of June 29, 1960)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following provisions of law, which relate to the submission of certain reports to Congress in other Government authority are hereby repealed, as follows:

* * * * * * *

(15) Section 4 of the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States and Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes", approved April 16, 1934, as amended (49 Stat. 1459; 25 U.S.C. 455), which reads as follows:

"SEC. 4. That the Secretary of the Interior shall report annually to the Congress any contract or contracts made under the provisions of this Act, and the moneys expended thereunder."

Navajo-Hopi Rehabilitation Program

Public Law 81–474 Navajo-Hopi Rehabilitation Act—April 17, 1950

This Act contains provisions for a program designed to assist the Navajo and Hopi Indians in a broad range of projects. One of the provisions of the Act allows funds to be used for construction of school facilities ($25,000,000). These funds were utilized as a part of the "Bordertown" project whereby children reside in Federal Indian school dormitories and attend public schools. These children are generally from outside the State and locality in which the boarding school is located and therefore could not be counted for purposes of entitlement under P.L. 81–815 assistance for school construction in federally impacted areas. Payments were made to local educational agencies for construction of additional school facilities where necessary to house the additional children under the project. At the present time, the border town project includes over 4,000 children.

The following is the text of the Navajo-Hopi Rehabilitation Act:

AN ACT

To promote the rehabilitation of the Navajo and Hopi Tribes of Indians and a better utilization of the resources of the Navajo and Hopi Indian Reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to further the purposes of existing treaties with the Navajo Indians, to provide facilities, employment, and services essential in combating hunger, disease, poverty, and demoralization among the members of the Navajo and Hopi Tribes, to make available the resources of their reservations for use in promoting a self-supporting economy and self-reliant communities, and to lay a stable foundation on which these Indians can engage in diversified economic activities and ultimately attain standards of living comparable with those enjoyed by other citizens, the Secretary of the Interor is hereby authorized and directed to undertake, within the limits of the funds from time to time appropriated pursuant to this Act, a program of basic improvements for the conservation and development of the resources of the Navajo and Hopi Indians, the more productive employment of their manpower, and the supplying of means to be used in their rehabilitation, whether on or off the Navajo and Hopi Indian Reservations. Such program shall include the following projects for which capital expenditures in the amount shown after each project listed in the following subsections and totaling $88,570,000 are hereby authorized to be appropriated:

(1) Soil and water conservation and range improvement work, $10,000,000.

(2) Completion and extension of existing irrigation projects, and completion of the investigation to determine the feasibility of the proposed San Juan-Shiprock irrigation project, $9,000,000.

(3) Surveys and studies of timber, coal, mineral, and other physical and human resources, $500,000.

(4) Development of industrial and business enterprises, $1,000,000.

(5) Development of opportunities for off-reservation employment and resettlement and assistance in adjustments related thereto, $3,500,000.

(6) Relocation and resettlement of Navajo and Hopi Indians (Colorado River Indian Reservation), $5,750,000.

(7)

(7) Roads and trails, $20,000,000.
(8) Telephone and radio communication systems, $250,000.
(9) Agency, institutional, and domestic water supply, $2,500,000.
(10) Establishment of a revolving loan fund, $5,000,000.
(11) Hospital buildings and equipment, and other health conservation measures, $4,750,000.
(12) School buildings and equipment, and other educational measures, $25,000,000.
(13) Housing and necessary facilities and equipment, $820,000.
(14) Common service facilities, $500,000.

Funds so appropriated shall be available for administration, investigations, plans, construction, and all other objects necessary for or appropriate to the carrying out of the provisions of this Act. Such further sums as may be necessary for or appropriate to the annual operation and maintenance of the projects herein enumerated are hereby also authorized to be appropriated. Funds appropriated under these authorizations shall be in addition to funds made available for use on the Navajo and Hopi Reservations, or with respect to Indians of the Navajo Tribes, out of appropriations heretofore or hereafter granted for the benefit, care, or assistance of Indians in general, or made pursuant to other authorizations now in effect.

SEC. 2. The foregoing program shall be administered in accordance with the provisions of this Act and existing laws relating to Indian affairs, shall include such facilities and services as are requisite for or incidental to the effectuation of the projects herein enumerated, shall apply sustained-yield principles to the administration of all renewable resources, and shall be prosecuted in a manner which will provide for completion of the program, so far as practicable, within ten years from the date of the enactment of this Act. An account of the progress being had in the rehabilitation of the Navajo and Hopi Indians, and of the use made of the funds appropriated to that end under this Act, shall be included in each annual report of the work of the Department of the Interior submitted to the Congress during the period covered by the foregoing program.

SEC. 3. Navajo and Hopi Indians shall be given, whenever practicable, preference in employment on all projects undertaken pursuant to this Act, and, in furtherance of this policy, may be given employment on such projects without regard to the provisions of the civil-service and classification laws. To the fullest extent possible, Indian workers on such projects shall receive on-the-job training in order to enable them to become qualified for more skilled employment.

SEC. 4. The Secretary of the Interior is authorized, under such regulations as he may prescribe, to make loans from the loan fund authorized by section 1 hereof to the Navajo Tribe, or any member or association of members thereof, or to the Hopi Tribe, or any member or association of members thereof, for such productive purposes as, in his judgment, will tend to promote the better utilization of the manpower and resources of the Navajo or Hopi Indians. Sums collected in repayment of such loans and sums collected as interest or other charges thereon shall be credited to the loan fund, and shall be available for the purpose for which the fund was established.

SEC. 5. Any restricted Indian lands owned by the Navajo Tribe, members thereof, or associations of such members, or by the Hopi Tribe, members thereof, or associations of such members, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, or business purposes, including the development or utilization of natural resources in connection with operations under such leases. All leases so granted shall be for a term of not to exceed twenty-five years, but may include provisions authorizing their renewal for an additional term of not to exceed twenty-five years, and shall be made under such regulations as may be prescribed by the Secretary. Restricted allotments of deceased Indians may be leased under this section, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the Act of July 8, 1940 (54 Stat. 745; 25 U.S.C. 1946 edition, sec. 380). Nothing contained in this section shall be construed to repeal or affect any authority to lease restricted Indian lands conferred by or pursuant to any other provision of law.

SEC. 6. In order to facilitate the fullest possible participation by the Navajo Tribe in the program authorized by this Act, the members of the tribe shall have the right to adopt a tribal constitution in the manner herein prescribed. Such constitution may provide for the exercise by the Navajo Tribe of any powers

vested in the tribe or any organ thereof by existing law, together with such additional powers as the members of the tribe may, with the approval of the Secretary of the Interior, deem proper to include therein. Such constitution shall be formulated by the Navajo Tribal Council at any regular meeting, distributed in printed form to the Navajo people for consideration, and adopted by secret ballot of the adult members of the Navajo Tribe in an election held under such regulations as the Secretary may prescribe, at which a majority of the qualified votes cast favor such adoption. The constiution shall authorize the fullest possible participation of the Navajos in the administration of their affairs as approved by the Secretary of the Interior and shall become effective when approved by the Secretary. The constitution may be amended from time to time in the same manner as herein provided for its adoption, and the Secretary of the Interior shall approve any amendment which in the opinion of the Secretary of the Interior advances the development of the Navajo people toward the fullest realization and exercise of the rights, privileges, duties, and responsibilities of American citizenship.

SEC. 7. Notwithstanding any other provision of existing law, the tribal funds now on deposit or hereafter placed to the credit of the Navajo Tribe of Indians in the United States Treasury shall be available for such purposes as may be designated by the Navajo Tribal Council and approved by the Secretary of the Interior.

SEC. 8. The Tribal Councils of the Navajo and Hopi Tribes and the Indian communities affected shall be kept informed and afforded opportunity to consider from their inception plans pertaining to the program authorized by this Act. In the administration of the program, the Secretary of the Interior shall consider the recommendations of the tribal councils and shall follow such recommendations whenever he deems them feasible and consistent with the objectives of this Act.

SEC. 9. Beginning with the quarter commencing July 1, 1950, the Secretary of the Treasury shall pay quarterly to each State (from sums made available for making payments to the States under sections 3(a), 403(a), and 1003(a) of the Social Security Act) an amount, in addition to the amounts prescribed to be paid to such State under such sections, equal to 80 per centum of the total amounts of contributions by the State toward expenditures during the preceding quarter by the State, under the State plans approved under the Social Security Act for old age assistance, aid to dependent children, and aid to the needy blind, to Navajo and Hopi Indians residing within the boundaries of the State on reservations or on allotted or trust lands, with respect to whom payments are made to the State by the United States under sections 3(a), 403(a), and 1003(a), respectively, of the Social Security Act, not counting so much of such expenditure to any individual for any month as exceeds the limitations prescribed in such sections.

SEC. 10. (a) There is hereby established a joint congressional committee to be known as the Joint Committee on Navajo-Hopi Indian Administration (hereinafter referred to as the "committee"), to be composed of three members of the Committee on Interior and Insular Affairs of the Senate to be appointed by the President of the Senate, not more than two of whom shall be from the same political party, and three members of the Committee on Public Lands of the House of Representatives to be appointed by the Speaker of the House of Representatives, not more than two of whom shall be from the same political party. A vacancy in the membership of the committee shall be filled in the same manner as the original selection. The committee shall elect a chairman from among its members.

(b) It shall be the function of the committee to make a continuous study of the programs for the administration and rehabilitation of the Navajo and Hopi Indians, and to review the progress achieved in the execution of such programs. Upon request, the committee shall aid the several standing committees of the Congress having legislative jurisdiction over any part of such programs, and shall make a report to the Senate and the House of Representatives, from time to time, concerning the results of its studies, together with such recommendations as it may deem desirable. The Commissioner of Indian Affairs at the request of the committee, shall consult with the committee from time to time with respect to his activities under this Act.

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(c) The committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such times and places, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable. The cost of stenographic services to report such hearings shall not be in excess of 25 cents per hundred words. The provisions of sections 102 to 104, inclusive, of the Revised Statutes shall apply in case of any failure of any witness to comply with any subpena or to testify when summoned under authority of this subsection.

(d) The committee is authorized to appoint and, without regard to the Classification Act of 1923, as amended, fix the compensation of such experts, consultants, technicians, and organizations thereof, and clerical and stenographic assistants as it deems necessary and advisable.

(e) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, to be disbursed by the Secretary of the Senate on vouchers signed by the chairman.

Approved April 19, 1950.

Federally Impacted Areas

Public Law 81-815—Financial Assistance for School Construction—September 15, 1950

Public Law 815 authorizes Federal financial assistance for construction by local educational agencies of urgently needed minimum school facilities in school districts which have had substantial increases in school membership as a result of new or increased Federal activities. Assistance is also authorized for construction of minimum school facilities by local educational agencies for pupils residing on Federal property (principally Indian reservations). Eligibility is determined under sections 5 and 9 on the basis of the number of federally connected children and the rate of increase in the numbers of such children. Under section 14, grants are authorized for construction of needed minimum school facilities when there is not a sufficient increase in the number of pupils to qualify under section 5. This involves mainly Indian children. Federal funds for construction of school facilities on Federal property is provided under section 10, and would be applicable to Indian reservations.

This act as passed in 1950, included Indian land within the definition of Federal property and thereby included Indians as federally connected children.

SEC. 210. For the purposes of this Act—

(1) The term "Federal property" means real property which is owned by the United States or is leased by the United States * * *. Such term also includes real property held in trust by the United States for individual Indians or Indian tribes, which is subject to restrictions on alienation imposed by the United States.

Public Law 81-815 was amended on August 8, 1953 by Public Law 83-246 by adding a new title IV authorizing aid for areas burdened with large numbers of children residing on Federal property (principally Indian children) which could not be aided under existing titles because the schools were unable to show a substantial increase in their federally caused enrollments since 1959.

TITLE IV—SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY AFFECTED AREAS

SEC. 401. (a) If the Commissioner determines with respect to any local educational agency that—

(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Federal property, and whose membership in the schools of such agency has not formed and will not form the basis for payments under title II or III of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education;

(11)

(2) the immunity of such Federal property to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

(3) such agency is making a reasonable tax effort and is exercising due diligence in availing itself of State and other financial assistnce available for the purpose; and

(4) such agency does not have sufficient funds available to it from other Federal, State, and local sources to provide the minimum school facilities required for free public education in its school district,

he may provide the additional assistance necessary to enable such agency to provide such facilities, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest; but such additional assistance may not exceed the portion of the cost of such facilities which the Commissioner estimates is attributable to children who reside on Federal property, and which has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law.

Under Public Law 85–267, title IV was redesignated as section 14.

Under Public Law 90–247 the Elementary and Secondary Education Amendments of 1967, the act was amended changing references to "Federal property" to read "Indian lands," and included a new subsection (b) which provided that a local educational agency meeting requirements less stringent than those in subsection (a) may receive payments for construction to house only "unhoused" children living on Indian lands.

The following is the text of Public Law 90–247:

TITLE II—FEDERALLY AFFECTED AREAS

PART A—ASSISTANCE FOR SCHOOL CONSTRUCTION AND CURRENT EXPENDITURES IN IMPACTED AREAS

CLARIFYING DEFINITIONS OF "FEDERAL PROPERTY"

SEC. 201. Section 15(1) of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress), and section 303(1) of the Act of September 30, 1950 (Public Law 874, Eighty-first Congress), are each amended by—

(a) striking out the second sentence thereof;

(b) striking out "also" in the penultimate sentence thereof; and

(c) inserting immediately before the last sentence thereof the following new sentence: "Such term also includes any interest in Federal property (as defined in the foregoing provisions of this paragraph) under an easement, lease, license, permit, or other arrangement, as well as any improvements of any nature (other than pipelines or utility lines) on such property even though such interests or improvements are subject to taxation by a State or political subdivision of a State or by the District of Columbia."

EFFECTIVE DATE FOR CERTAIN 1966 AMENDMENTS

SEC. 202. The amendment made by section 201, and the amendment made by section 229, of the Elementary and Secondary Education Amendments of 1966 shall be effective only with respect to fiscal years beginning after June 30, 1969.

MODIFYING PROVISIONS RELATING TO SCHOOL CONSTRUCTION ASSISTANCE IN OTHER FEDERALLY AFFECTED AREAS

SEC. 203. (a) Subsection (a) of section 14 of the Act of September 23, 1950 (Public Law 815, Eighty-first Congress) is amended in the following respects:

(1) Paragraph (1) is amended by striking out "Federal property" and inserting in lieu thereof "Indian lands", and by inserting ", or that such Indian lands constitute a substantial part of the school district of such local educational agency," immediately after "such agency provides free public education".

(2) Paragraph (2) is amended by striking out "Federal property" and inserting in lieu thereof "Indian lands".

(3) Paragraph (4) is amended by striking out "in its school district" and inserting in lieu thereof "of a substantial percentage of the children in the membership of its schools".

(4) Such subsection (a) is further amended by—

(A) striking out "is attributable to children who reside on Federal property, and which" in the portion of the first sentence of subsection (a) which follows paragraph (4);

(B) striking out "in the case of any application for additional assistance on account of children who reside on Indian lands" in the second sentence of such subsection (a);

(C) striking out "subsection (c)" and inserting in lieu thereof "subsection (d)" in the third sentence of such subsection (a); and

(D) striking out "third" and inserting in lieu thereof "second" in the last sentence of such section (a).

(b) Section 14 of such Act, as amended by this section, is further amended by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e) and (f), respectively, and by inserting immediately after subsection (a) the following new subsection (b):

"(b) If the Commissioner determines with respect to any local educational agency that—

"(1) such agency is providing or, upon completion of the school facilities for which provision is made herein, will provide free public education for children who reside on Indian lands, and whose membership in the schools of such agency has not formed and will not form the basis for payments under other provisions of this Act, and that the total number of such children represents a substantial percentage of the total number of children for whom such agency provides free public education, or that such Indian lands constitute a substantial part of the school district of such local educational agency, or that the total number of such children who reside on Indian lands located outside the school district of such agency equals or exceeds one hundred; and

(2) the immunity of such Indian lands to taxation by such agency has created a substantial and continuing impairment of its ability to finance needed school facilities;

he may, upon such terms and in such amounts (subject to the provisions of this section) as the Commissioner may consider to be in the public interest, provide the additional assistance necessary to enable such agency to provide the minimum school facilities required for free public education of children in the membership of the schools of such agency who reside on Indian lands; but such additional assistance may not exceed the portion of the cost of constructing such facilities which the Comissioner estimates has not been, and is not to be, recovered by the local educational agency from other sources, including payments by the United States under any other provisions of this Act or any other law. Notwithstanding the provisions of this subsection, the Commissioner may waive the percentage requirement in paragraph (1) whenever, in his judgment, exceptional circumstances exist which make such action necessary to avoid inequity and avoid defeating the purposes of this section. Assistance may be furnished under this subsection without regard to paragraph (2) (but subject to the other provisions of this subsection and subsection (d) to any local educational agency which provides free public education for children who reside on Indian lands located outside its school district. For purposes of this subsection 'Indian lands' means Indian reservations or other real property referred to in the second sentence of section 15(1)."

(c) Subsection (d) of section 14 of such Act, as redesignated by subsection (b) of this section, is amended by inserting "or (b)" immediately after "subsection (a)" each time it occurs in such subsection.

(d) Subsection (e) of section 14 of such Act, as redesignated by subsection (b) of this section, is amended by inserting "or (b)" immediately after "subsection (a)".

Public Law 81–874—Financial Assistance for School Maintenance and Construction—September 30, 1950

Public Law 874 authorizes Federal financial assistance for school districts on which activities of the Federal Government have placed a financial burden. Under section 3, school districts may receive assistance for children whose parents either live or work on Federal property or both. (Indians who live on Federal property and who are unemployed are considered with those who both live and work on Federal property.) Payment to the school district is based on the number of "Federally connected" children, and may be utilized by the district as it is determined to be needed.

[Public Law 81–874 as passed under the definition of "child" specifically excluded Indian children who were eligible for "educational services" under an agreement, grant or contract with the Federal Government (primarily Johnson-O'Malley funds). It was amended in 1958 to change the definition of child and thereby include such Indian children and allow payments under both the Johnson-O'Malley program and the impacted areas program for education. The legislative history in terms of Indian is as follows:

Public Law 81–874, as passed on September 30, 1950, contained two provisions which are related to Indians: under section 9, the definition of "Federal property" specifically includes Indian land, and the definition of "child" specifically excludes Indian children receiving payments under other Federal programs for educational services (primarily Johnson-O'Malley funds). The text of the definitions follow:

(1) The term "Federal property" means real property which is owned by the United States * * *. Such term also includes real property held in trust by the United States for individual Indians or Indian tribes which is subject to restrictions on alienation imposed by the United States.

(2) The term "child" means any child who is within the age limits for which the applicable State provides free public education. Such term does not include any child who is a member, or the dependent of a member, of any Indian tribal organization, recognized as such under the laws of the United States relating to Indian affairs, and who is eligible for educational services provided pursuant to a capital grant by the United States, or under the supervision of, or pursuant to a contract or other arrangement with, the Bureau of Indian Affairs.

This act was amended on August 12, 1958 by P.L. 85–620. The amendment struck out the second sentence of section 9(2) which would then read as follows:

(2) The term "child" means any child who is within the age limits for which the applicable State provides free public education.

It further added provisions that "other Federal payments" which would reduce the entitlement under Public Law 81–874 would not include Johnson-O'Malley funds.

SEC. 201 (b) Paragraph (1) of section 2(b)' of such Act is amended by inserting before the period at the end thereof the following: ", but shall not include payments pursuant to contract or other arrangement under Section 1 of the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452)".

It further specified that the apppropriations under the Johnson-O'Malley Act would not be affected by appropriations under Public Law 81–874.

SEC. 204. Subsection (d) of section 8 of such Act is amended—

* * * * * * *

(2) by inserting before the period at the end thereof the following: ", or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452)",

The amended provision is as follows:

SEC. 8. (d) No appropriation to any department or agency of the United States, other than an appropriation to carry out this Act, shall be available * * * except that nothing in this subsection or in subsection (c) of this section shall affect the availability of appropriations for the maintenance and operation of school facilities on Federal property under the control of the Atomic Energy Commission or the availability of appropriations under the Act of April 16, 1934, commonly referred to as the Johnson-O'Malley Act (25 U.S.C., sec. 452).

Public Law 81–874 was further amended by the 1967 ESEA Amendments (Public Law 90–247) by deleting the requirement that "other Federal payments" be deducted from entitlement thereby eliminating the need for reference to the Johnson-O'Malley program as an exception to the law.]

Transfer of Federal Property

Public Law 83–47—Act of June 4, 1953

This act authorized the Secretary of the Interior to transfer the right, title and interest of the United States in land and improvements which were used for school purposes to State or local governmental agencies or school authorities.

[The act was amended on March 16, 1962 by Public Law 87–417 to increase the maximum acreage which may be transferred from 20 acres to 50 acres. This legislation could allow school buildings and property to be transferred to State or local educational agencies assuming responsibility for the education of the Indians in the State or local school district.]

The following are texts of the original act and its amendment:

Public Law 83–47 (Act of June 4, 1953)

To authorize the Secretary of the Interior, or his authorized representative, to convey certain school properties to local school districts or public agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior, or his authorized representative, is hereby authorized to convey to State or local governmental agencies or to local school authorities all the right, title, and interest of the United States in any land and improvements thereon and personal property used in connection therewith heretofore or hereafter used for Federal Indian school purposes and no longer needed for such purposes: *Provided*, That the consent of the beneficial owner shall be obtained before the conveyance of title to land held by the United States in trust for an individual Indian or Indian tribe: *Provided further*, That no more than twenty acres of land shall be transferred under the terms of this Act in connection with any single school property conveyed to State or local governmental agencies or to local school authorities. Any conveyance under this Act shall reserve all mineral deposits in the land and the right to prospect for and remove such deposits under rules and regulations prescribed by the Secretary of the Interior, shall require the property to be used for school or other public purposes, and shall require the property to be available to Indians and non-Indians on the same terms unless otherwise approved by the Secretary of the Interior. If at any time the Secretary of the Interior determines that the grantee of any such lands, improvements ,and personal property has failed to observe the provisions of the transfer agreement and that the failure has continued for at least one year, he may declare a forfeiture of the conveyance and the title conveyed shall thereupon revert to the United States. Such determination by the Secretary of the Interior shall be final.

Public Law 87–417 (Act of March 16, 1962)

To amend the Act of June 4, 1953 (67 Stat. 41), entitled "An Act to authorize the Secretary of the Interior, or his authorized representative, to convey certain school properties to local school districts or public agencies."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the second proviso in the Act of June 4, 1953 (67 Stat. 41), as amended, is amended to read: "*Provided further*, That no more than fifty acres of land shall be transferred under the terms of this Act in connection with any single school property conveyed to State or local governmental agencies or to local school authorities."

Vocational Education

Public Law 84-958—Adult Vocational Training Act of 1956—August 3, 1956

This act authorizes the Bureau of Indian Affairs to provide a program for Indians to help them obtain reasonable and satisfactory employment. The primary age category for this program is 18 to 35. The program includes vocational counseling and guidance, institutional training in various occupations and trades, on-the-job training, vocational training, and apprenticeship training.

[This act provides the statutory base for the "employment assistance" or "relocation" program currently operated by the Bureau of Indian Affairs in which Indians are trained in urban centers and are encouraged and assisted to find employment in the area].

The following is the text of the Adult Vocational Training Act of 1956:

Relative to employment for certain adult Indians on or near Indian reservations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to help adult Indians who reside on or near Indian reservations to obtain reasonable and satisfactory employment, the Secretary of the Interior is authorized to undertake a program of vocational training that provides for vocational counseling or guidance, institutional training in any recognized vocation or trade, apprenticeship, and on the job training, for periods that do not exceed twenty-four months, transportation to the place of training, and subsistence during the course of training. The program shall be available primarily to Indians who are not less than eighteen and not more than thirty-five years of age and who reside on or near an Indian reservation, and the program shall be conducted under such rules and regulations as the Secretary may prescribe. For the purposes of this program the Secretary is authorized to enter into contracts or agreements with any Federal, State, or local governmental agency, or with any private school which has a recognized reputation in the field of vocational education and has successfully obtained employment for its graduates in their respective fields of training, or with any corporation or association which has an existing apprenticeship or on-the-job training program which is recognized by industry and labor as leading to skilled employment.

SEC. 2. There is authorized to be appropriated for the purposes of this Act the sum of $3,500,000 for each fiscal year, and not to exceed $500,000 of such sum shall be available for administrative purposes.

Approved August 3, 1956.

(17)

Elementary and Secondary Education Act of 1965

P.L. 89-10—The Elementary and Secondary Education Act of 1965 as amended—April 11, 1965

The Elementary and Secondary Education Act as amended through 1968 contains many provisions which apply to Indians. Indians meeting the specified requirements and attending public schools in local school districts would thereby participate in the programs in which their individual schools participate. In addition, under the following titles of the act, authorization is given to appropriate funds to the Secretary of the Interior for use in Bureau of Indian Affairs schools:

Title I provides financial assistance for the education of children of low-income families. Grants are available to areas with high concentrations of disadvantaged children to finance a broad range of projects and programs designed to meet the special needs of educationally deprived children. Entitlement is based on the number of children considered "disadvantaged." Under section 103(a)(1), an amount of up to 3 percent of the basic title I appropriation may be allotted (1) among the outlying areas [1] and (2) the Secretary of the Interior for use in Bureau of Indian Affairs schools and for payments to local educational agencies with respect to out-of-State Indian children under special contracts with the Department of the Interior. (These special contracts involve primarily the "Bordertown" project in which children from out-of-State live in a Federal facility and attend schools of the local public school district.)

[Indians were not included under this title as the act was passed in 1965. In the 1966 ESEA amendments, enacted on November 3, 1966 (Public Law 89-750), authorization was made for a separate appropriation from which allotments would be made to the Secretary of the Interior for fiscal year 1967. The 1967 ESEA amendments of January 2, 1968 (Public Law 90-247), extended the authorization through fiscal year 1969.]

Title II establishes a program to provide grants for the acquisition of school library resources, textbooks, and other printed and published instructional materials for children and teachers in both public and private schools. Under section 202(a)(1), an amount of up to 3 percent of the basic title II appropriation may be allotted (1) among the outlying areas (2) the Secretary of Defense and (3) the Secretary of the Interior for use in Bureau of Indian Affairs schools according to their respective needs under the title.

[Indians were not included under this title as the act was passed in 1965. In the 1966 ESEA amendments (Public Law 89-750) author-

[1] Outlying areas included Puerto Rico, Guam, American Samoa, the Virgn Islands, and the Trust Territories of the Pacific.

ization was made for a separate appropriation from which allotment would be made to the Secretary of the Interior for fiscal year 1967. The 1967 ESEA amendments (Public Law 90–247) extended the authorization through fiscal year 1969.]

Title III provides funds to carry out a program of grants for the planning, development, establishment or expansion of exemplary and innovative educational programs that are not otherwise available. Some approved programs are guidance and counseling; remedial instruction; equipment for studying advanced subjects, the development of radio and television programs and special educational services to those in and from rural areas. Under section 302(a)(1) an amount of up to 3 percent of the basic title III appropriation may be allotted among the outlying areas, the Secretary of Defense and the Secretary of the Interior for use in Bureau of Indian Affairs schools according to their respective needs under this title.

[Indians were not included under this title as the act was passed in 1965. In the 1966 ESEA amendments (Public Law 89–750) authorization was made for a separate appropriation from which allotment would be made to the Secretary of the Interior for fiscal year 1967. The 1967 ESEA amendments (Public Law 90–247) extended the authorization through fiscal year 1969.]

Title VI provides for grants and contracts to develop improved educational opportunities for handicapped children. Part A is for use in the initiation, expansion, and improvement of preschool, elementary, and secondary school level programs for the education of handicapped children which are of a sufficient size, scope and quality as to give reasonable promise of substantial progress. Under section 603(a)(1), an amount of up to 3 percent of the basic title VI part A entitlement is authorized to be distributed (1) among the outlying areas, (2) the Secretary of Defense and (3) the Secretary of the Interior for the children serviced by Bureau of Indian Affairs schools under terms determined by the Commissioner of Education.

[Title VI was added to the ESEA by the 1966 amendments and included no provisions for Indians. Authorization for allotment to the Secretary of the Interior was added by the 1967 amendments (Public Law 90–247) through fiscal year 1969.]

Title VII. The purpose of this title is to provide imaginative elementary and secondary school programs designed to meet the special needs of children with limited English-speaking ability. Grants may be used for planning and developing bilingual educational programs, preservice and inservice training, and for establishing and operating such programs. It also includes teaching materials and equipment designed to meet the special educational needs of children of limited English-speaking ability. Programs may also be included which include the history and culture associated with the language, adult education, and preschool programs.

[This title at the present does not contain "set-aside" provisions for the Secretary of the Interior for use in Indian Schools.]

Student Loan Cancellation

Public Law 85–864—National Defense Education Act—September 2, 1958

The National Defense Education Act, title II, Student Loans, provides funds for loans to students for the purpose of continuing their higher education. These loans may be canceled at the rate of 10 percent per year for up to 50 percent of the loan for those persons who teach in public or private nonprofit schools. In addition, those who teach in schools which are designated as schools in disadvantaged areas, may have 100 percent of their loan canceled at the rate of 15 percent per year.

Teachers teaching in Bureau of Indian Affairs elementary and secondary schools may have their loans canceled at the higher rate of 15 percent per year.

[The National Defense Education Act, title II as passed on September 2, 1958 (Public Law 85–864) contained only the provision for the 10 percent per year cancellation. Until the 15 percent provision became effective in 1965 teachers teaching in Bureau of Indian Affairs schools would be eligible for the 10 percent per year cancellation. The 15 percent per year cancellation was added by the Higher Education Act passed on November 8, 1965 (Public Law 89–329).]

The following is the text of the provision of the National Defense Education Act, title II section 205(a)(3) which allows loan cancellation:

(3) not to exceed 50 per centum of any such loan made prior to July 1, 1970 (plus interest) shall be canceled for service as a full-time teacher in a public or other nonprofit elementary or secondary school in a State, in an institution of higher education, or in an elementary or secondary school overseas of the Armed Forces of the United States, at the rate of 10 per centum of the total amount of such loan plus interest thereon for each complete academic year or its equivalent (as determined under regulations of the Commissioner) of such service, except that (A) such rate shall be 15 per centum for each complete academic year or its equivalent (as determined under regulations of the Commissioner) of service as a full-time teacher in a public or other nonprofit elementary or secondary school which is in the school district of a local educational agency which is eligible in such year for assistance pursuant to title II of Public Law 874, Eighty-first Congress, as amended, and which for purposes of this clause and for that year has been determined by the Commissioner, pursuant to regulations and after consultation with the State educational agency of the State in which the school is located, to be a school in which there is a high concentration of students from low-income families, except that (unless all of the schools so determined are schools in which the enrollment of children described in clause (A), (B), or (C) of section 103(a)(2) of such Public Law (using a low-income factor of $3,000) exceeds 50 per centum of the total enrollment of the school) the Commissioner shall not make such determination with respect to more than 25 per centum of the total of the public and other nonprofit elementary and secondary schools in any one State for any one year, (B) such rate shall be 15 per centum

for each complete academic year or its equivalent (as so determined by regulations) of service as a full-time teacher of handicapped children (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed or other health impaired children who by reason thereof require special education) in a public or other non-profit elementary or secondary school system, and (C) for the purposes of any cancellation pursuant to clause (A) or (B), an additional 50 per centum of any such loan (plus interest) may be canceled but nothing in this paragraph shall authorize refunding any payment.

Teacher Corps

Public Law 90–35—Education Professions Development Act—June 29, 1967

The Teacher Corps program has the purpose of strengthening the educational opportunities available to children in areas having concentrations of low-income families and encouraging colleges and universities to broaden their programs of teacher preparation. Teacher Corps interns participate in the program for a period of 2 years during which time they receive college training and work in elementary and secondary schools with high concentrations of disadvantaged children. At the end of the 2-year program, the interns receive a master's degree.

Teacher Corps participants are assigned to work within the school system of the Bureau of Indian Affairs at Indian schools. Up to 3 percent of the available Teacher Corps members are specifically allotted to the Bureau of Indian Affairs, Puerto Rico, and the Virgin Islands.

[The Higher Education Act (Public Law 89–329) as passed on November 8, 1965, made provisions for the allocations of Teacher Corps members to Puerto Rico and the Virgin Islands. The Education Professions Development Act (Public Law 90–53) as passed on June 29, 1967, allocated 3 percent of the Corps members to Puerto Rico, the Virgin Islands, and elementary and secondary schools operated for Indian children by the Department of the Interior by section 513(3)(f).]

The provision for the allocation of Teacher Corps members to Indian schools (Higher Education Act, title V, section 513(c)(2)) is as follows:

(2) Not to exceed 3 per centum of the number of members of the Teacher Corps, who are available shall be allocated to Puerto Rico, the Virgin Islands, and elementary and secondary schools operated for Indian children by the Department of the Interior, according to their respective needs.

(22)

Headstart

P.L. 88–452—Economic Opportunity Act—August 20, 1964

The Headstart program focuses upon preschool children to provide comprehensive health, nutritional, education, social and other services necessary to assist them in attaining their full potential. It further provides for the direct participation of the parents of children participating in the program. It is aimed at providing experiences to children primarily from low-income families to enable them to begin elementary school with a wider understanding of the world.

The language of the legislation is broad and does not specifically mention Indians as possible participants in Headstart programs. Currently, there are a great number of programs on Indian reservations providing the services outlined above including parent participation in the development, conduct and overall program direction at the local level.

[The Headstart program was added to the Economic Opportunity Act by the 1966 amendments (Public Law 89–794) on November 8, 1966. Minor revisions were made in the amendments of 1967 (Public Law 90–222) was passed on December 22, 1967.]

The following are the texts of the 1966 amendments including Headstart, and the current language:

Public Law 89–794

HEADSTART AND LEGAL SERVICES PROGRAMS

SEC. 211–1. (a) In carrying out sections 204 and 205, the Director shall carry out programs eligible for assistance under such sections which assist young children who have not reached the age of compulsory school attendance and which include (1) the furnishing of such comprehensive health, nutritional, social, educational, and mental health services as the Director finds will aid such children to attain their greatest potential, (2) the provision of appropriate activities to encourage the participation of parents of such children and the effective use of their services, and (3) such other training, technical assistance, evaluation, and follow-through activities as may be necessary or appropriate.

Public Law 90–222

* * * the Director may provide financial assistance to public or private nonprofit agencies to carry on local projects initiated under such special programs; but he shall do so in a manner that will encourage, wherever feasible, the inclusion of the assisted projects in community action programs, with a view to minimizing possible duplication and promoting efficiencies in the use of common facilities and services, better assisting persons or families having a variety of needs, and otherwise securing from the funds committed the greatest possible impact in promoting family and individual self-sufficiency. Programs under this section shall include those described in the following paragraphs:

(1) A program to be known as "Project Headstart" focused upon children who have not reached the age of compulsory school attendance which (A) will provide such comprehensive health, nutritional, education, social, and other services as the Director finds will aid the children to attain their full potential and (B) will provide for direct participation of the parents of such children in the development, conduct, and overall program direction at the local level.

Volunteers In Service To America Program

P.L. 88–452—Economic Opportunity Act—August 20, 1964

The VISTA program, under title VIII of the Economic Opportunity Act, has the purpose of strengthening and supplementing efforts to eliminate poverty by encouraging and enabling persons from all walks of life and all age groups, to perform meaningful and constructive service as volunteers in programs in their home, nearby communities, rural areas and urban communities, on Indian reservations, among migrant workers and other areas where the application of human talent and dedication may help the poor to overcome the handicaps of poverty and to secure and exploit opportunities for self-advancement.

VISTA volunteers are currently being assigned to work on some Indian reservations to help meet the health, education, welfare, and related needs of Indians. Volunteers are assigned upon the request of Federal, State, or local agencies, or private nonprofit organizations.

[The provisions of the VISTA program relating to Indians were passed in the original Economic Opportunity Act (Public Law 88–452) on August 20, 1964, as section 603(a)(2). This section was changed to 802 by the 1966 amendments to the Economic Opportunity Act and to the present form section 801(a)(1) by the 1967 amendments.]

The following is the text of section 801(a)(1) indicating the relation of the VISTA program to Indians:

SEC. 801. This title provides for a program of fulltime volunteer service, for programs of part-time or short-term community volunteer service, and for special volunteer programs, together with other powers and responsibilities designed to assist in the development and coordination of volunteer programs * * * and as full-time volunteers serving in rural areas and urban communities, on Indian reservations, among migrant workers, in Job Corps centers, and in other agencies, institutions * * *.

PART A—FULL-TIME VOLUNTEER PROGRAMS

AUTHORITY TO ESTABLISH FULL-TIME PROGRAMS

SEC. 810. (a) The Director may recruit, select, and train persons to serve in full-time volunteer programs, and upon request of Federal, State, or local agencies, or private nonprofit organizations, may assign such volunteers to work——

(1) in meeting the health, education, welfare, or related needs of Indians living on reservations, of migratory workers and their families * * *.

○